



Federal Communications Commission
Washington, D.C. 20554

June 15, 2010

DA 10-1074

Via First-Class Mail and E-mail

Pantelis Michalopoulos, Esquire
Christopher Bjornson, Esquire
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036

Re: Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. for Consent to Assign Licenses or Transfer Control of Licensees, MB Docket No. 10-56; Response to Request for Confidentiality

Dear Messrs. Michalopoulos and Bjornson:

On June 7, 2010, you filed, on behalf of DISH Network LLC ("DISH"), confidential and redacted versions of the Declaration of that date of DISH's Senior Marketing Manager, Reporting and Analytics Vincent Kunz and supporting documents for which you sought confidential treatment. Pursuant to Section 0.459(e) of the Commission's Rules,¹ you requested that these materials be returned if confidential treatment is not granted. On June 14, 2010, you filed a letter explaining more fully how the filing includes Highly Confidential Information.²

We remind you that, pursuant to paragraph 3 of the *Second Protective Order*, before parties may designate and submit documents and information as Highly Confidential, they must file a letter explaining why the information should be so designated. They may so designate and file only those documents and that information specifically authorized as such by the Media Bureau.

As we stated in the *Second Protective Order*, consistent with past practice, the Commission will in this proceeding grant more limited access to those materials which, if released to competitors, would allow those competitors to gain a significant advantage in the marketplace. We will permit persons submitting such documents and information to designate those materials as Highly Confidential and, as specified in the *Second Protective Order*, we will limit access to such materials to Outside Counsel of Record, their employees, and Outside Consultants and experts whom they retain to assist them in this proceeding, as the aforementioned terms are defined in the *Second Protective Order*. As we found at paragraph 3 of that Order, such materials develop a more complete record on which to base the Commission's decision in this proceeding. We are mindful of the highly sensitive nature of all information, documents, and data described in this letter, but we must also protect the right of the public to participate in this proceeding in a meaningful way. We conclude that the protections adopted in the *Second Protective Order* give appropriate access to the public while protecting a Submitting Party's competitively sensitive information, and thereby will serve the public interest.

¹ 47 C.F.R. § 0.459(e).

² *Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses or Transfer Control of Licensees*, Second Protective Order, 25 FCC Rcd 2140 (MB 2010) ("*Second Protective Order*").

The Declaration of Mr. Kunz that you have filed provides a statistical and economic analysis of a retransmission dispute between DISH and Fisher Communications, Inc. (“Fisher”) which resulted in DISH’s inability to retransmit the signals of several broadcast network-affiliated television stations licensed to Fisher subsidiary companies. In his Declaration, Mr. Kunz analyses the effects of the dispute on the number of DISH’s subscribers, market share and churn rate. The analysis contains information on the number of DISH’s subscribers at the level of a Designated Market Area (“DMA”), as that term is defined by Nielsen Media Research, as well as monthly churn data. The analysis also includes specific dollar cost data with regard to the dispute and information regarding DISH’s marketing strategies. You represent that this information contains some of DISH’s most sensitive business data that DISH has kept highly confidential and that, if released to DISH’s competitors, would allow those competitors to gain a significant advantage in the marketplace.

We agree that the information that you describe in your letters has generally been allowed to be designated “Highly Confidential” under the Commission’s protective orders. Accordingly, to the extent that the information, data or documents (or portions thereof) both (a) contain Highly Confidential Information, as defined in the *Second Protective Order*³, and (b) are either disaggregated customer data, detailed financial data or current or forward-looking business strategies or plans, then such information and documents (or portions thereof) may be designated and submitted as “Highly Confidential” under the *Second Protective Order*.

Sincerely,

William T. Lake
Chief, Media Bureau

³ “Highly Confidential Information” means information contained in Stamped Highly Confidential Documents or derived therefrom that is not otherwise available from public sources, that the Submitting Party has kept strictly confidential, and that, the Submitting Party claims, constitutes some of its most sensitive business data which, if released to competitors, would allow those competitors to gain a significant advantage in the marketplace. See *Second Protective Order* at para 5.